

# **BOARD OF ADJUSTMENT**



**MONDAY, MAY 5, 2014**

**6:00 P.M.**

**CITY HALL**

**COUNCIL CHAMBERS**



**BOARD OF ADJUSTMENT**  
**CITY OF MIAMI SPRINGS, FLORIDA**

Chairman Manuel Pérez-Vichot  
Board member Bill Tallman  
Board member Bob Calvert

Vice Chairman Francisco Fernández  
Board member Ernie Aloma  
Alternate Michael White

**AGENDA**  
**Regular Meeting**  
**May 5, 2014**  
**6:00 p.m.**  
**Council Chambers**  
**City Hall**

- 1. CALL TO ORDER AND ROLL CALL
- 2. APPROVAL OF MINUTES OF REGULAR MEETING
  - A) April 7, 2014
- 3. SWEARING IN OFF ALL WITNESSES AND THE CITY PLANNER
- 4. NEW BUSINESS
  - A) Case # 06-V-14  
Alex Martinez  
850 Plover Avenue  
Zoning: R-1C  
Lot Size: 9,525 sq. ft.

Applicant is seeking an after-the-fact variance to waive 1.16” of the minimum required side yard setback of 7’6” in order to retain and complete the construction of an addition in the rear yard. (Side yard setback of 7’3.84” for a portion of the structure proposed).

**6. ADJOURNMENT**

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The decisions of the Board of Adjustment may be appealed to the Board of Appeals pursuant to Code Section 150.113. Any person appealing any decision may need to ensure that a verbatim record is made of the proceedings, which record includes the testimony and evidence upon which the appeal is made. (F.S. 286.0105)  
\*\*\*\*\*



## *City of Miami Springs, Florida*

The Board of Adjustment met in Regular Session at 7:00 p.m., on Monday, April 7, 2014 in the Council Chambers at City Hall.

### 1) Call to Order/Roll Call

The meeting was called to order at 7:16 p.m.

The following were present: Chairman Manuel Pérez-Vichot  
Ernie Aloma  
Bill Tallman

Absent: Vice Chairman Francisco Fernández  
Bob Calvert  
Alternate Michael White

Also present: City Planner Chris Heid  
Board Secretary Elora R. Sakal

### 2) Approval of Minutes

Minutes of the March 3, 2014 meeting were approved as written.

Board member Tallman moved to approve the minutes. Board member Aloma seconded the motion which was carried unanimously on voice vote.

### 3) New Business:

Board Secretary Sakal swore in the applicant and the City Planner.

A) Case # 05-V-14  
AQ GROUP, LLC  
5001 N.W. 36 STREET  
Zoning: COMMERCIAL  
Lot Size: 61,204 SQ. FT.

Applicant is seeking a variance from Section 150-025 (E) to replace an existing wooden canopy that is deteriorating so as to continue to provide covered passage from the parking lot to the Hotel building.

Board member Aloma moved to approve the variance. Board member Tallman seconded the motion which was carried unanimously on voice vote.

Chair Pérez-Vichot advised the applicant of the 10 day appeal period.

4) Adjournment

There was no further business to be discussed and the meeting was adjourned at 7:21 p.m.

Respectfully submitted:

\_\_\_\_\_  
Elora R. Sakal  
Board Secretary

Adopted by the Board on  
this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Manny Perez-Vichot, Chair

\*\*\*\*\*  
*"The comments, discussions, recommendations and proposed actions of City Citizen Advisory Boards do not constitute the policy, position, or prospective action of the City, which may only be established and authorized by an appropriate vote or other action of the City Council".*  
\*\*\*\*\*

**VARIANCE CASE**

**NO. 06-V-14**

**ALEXANDER MARTINEZ**

**850 PLOVER AVENUE**

**BOARD OF ADJUSTMENT**

**MEETING: 05-05-2014**

# CITY OF MIAMI SPRINGS PLANNING DEPARTMENT

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201 Westward Drive  
Miami Springs, FL 33166-5289  
Phone: (305) 805-5030  
Fax: (305) 805-5036

## MEMORANDUM

**TO:** Board of Adjustment  
**FROM:** Christopher Heid, City Planner  
**DATE:** March 25, 2014  
**SUBJECT:** Application for Public Hearing  
**CASE #** 06-V-14

**APPLICANT:** Alex Martinez

**ADDRESS:** 850 Plover Avenue

**REQUEST:** The applicant is seeking an after-the-fact variance to waive 2” of the minimum required side yard setback of 7’6” in order to retain and complete the construction of an addition in the rear yard. (Side yard setback of 7’4” for a portion of the structure proposed).

**THE PROPERTY:** The property is rectangular in shape, with 75 feet of frontage on Plover Avenue, and a depth of 124 feet. A 16 foot wide City owned right-of-way (alley) is at the rear of the property.

**THE PROJECT:** The applicant is currently constructing a 898 square foot addition to an existing 1,074 square foot house, for a total of 1,972 square feet. A master permit was issued on August 27, 2012. The initial contractor started the job, but did not complete the work, and a new contractor is now in place.

A request by the new contractor for an “as-built” survey to assure compliance with setbacks and other issues as construction progressed shows that the construction ( the slab and accompanying rows of concrete block) were built slightly askew.

The side yard at the northeast corner of the addition is 8.3 feet, but at the southwest corner it tapers to 7.3 feet. It is the approximately south 15 feet of the 33.7 foot deep addition that does not meet the required setback.

**ANALYSIS:** The encroachment of 1.16” into the required side yard setback is imperceptible, and would have no negative impact on the adjacent property to the west. Requiring removal of the encroachment would be difficult, causing ripple effects through the balance of construction, would be time consuming, and would, in the opinion of staff, cause an extreme hardship.

**RECOMMENDATION:** It is recommended that the variance be approved.



BOARD OF ADJUSTMENT
CITY OF MIAMI SPRINGS, FLORIDA

APPLICATION FOR A VARIANCE HEARING

\*\*\*\*\*

OFFICIAL USE ONLY

Case No. : -V- Date: Fees Paid/ Receipt No. :

Date hearing is advertised: Date set for Public Hearing:

The owner and/or his/her agent has has not submitted a application regarding the subject within the last six months.

\*\*\*\*\*

(I) (We) ALEXANDER MARTINEZ of 850 PLOVER AVE

Owners Name

Address Variance Requested For

Request that a determination be made by the Board of Adjustment of the City of Miami Springs, on the following appeal that was denied by the Building Official on for the reason that it is a matter, in which the Building official could not exercise discretion and which, in his opinion, might properly come before the Board.

A variance is requested from Sec. Sub-Sec. Para. to the Schedule of District Regulations of the Zoning Ordinance of the City of Miami Springs, for the following reason:

It is an appeal for an interpretation of the ordinance, Schedule of Districts.

It is a request for a variance relating to the area, frontage, yard or open space, height, or 2" Encroachment into mpa required state if the request is for a purpose other than those listed above). side setback For Approx 5'

The legal description is Lot 3 in Block 8 of Springview | Platbook 51

Lot(s)

Block

Subdivision

Also known as (if applicable) Springview DB 51-19

Lot Size: 9,525 sqft. Present Zoning District: Single Fam

Present Use: Present Structure on the Land: SGL-FAMILY

Effect of petition if granted:

Have any previous applications or appeals been filed within the last six (6) months in connection with these premises? Yes No



N/A

Interest of applicant to the premises affected: \_\_\_\_\_

(Owner /Lessee/ Agent)

If you are the owner, how long have you owned this property? Oct 2006 7 YEARS

**NOTE: For Variances regarding parking of Recreational Vehicles, Proof of Ownership of the vehicle (Title, Registration, etc.) must be submitted along with the packet!**

What is the approximate cost involved in this change? \$ 19,000.00

(I) (We) believe that the Board of Adjustment should grant this petition for the following reasons:

(Please include the grounds for the appeal and reasons with respect to the law and fact for granting the appeal or special exception or variance. **SHOWING OF UNNECESSARY HARDSHIP MUST BE MADE BEFORE A VARIANCE CAN BE GRANTED;** the grounds must be stated.)

HELLO MY HARDSHIP IS AS FOLLOWS,  
WHEN I BEGAN THE PROJECT TO ADD ON TO MY HOUSE, I DID EXTENSIVE CHECKS ON A PARTICULAR CONTRACTOR, SAW PRIOR WORK HE HAD DONE AND WORK THAT HE HAD IN PROGRESS. EVERYTHING POINTED TO HIM BEING REPUTABLE AND DOING QUALITY WORK AND SO I HIRED HIM. SUBSEQUENTLY, AFTER HAVING POURED THE FOUNDATION AND STARTING THE WORK, HE DEFAULTED ON THE JOB, ALONG WITH A NUMBER OF OTHERS HE WAS WORKING ON AND NOW HAS FILED FOR BANKRUPTCY. I HAVE HIRED A NEW CONTRACTOR AND IN DOING HIS DUE DILIGENCE FOR THE JOB, HE ORDERED A SPOT SURVEY TO BE PERFORMED. THAT SURVEY REVEALED THAT THE SLAB HAD BEEN POURED WITH A TWO INCH ENCRoACHMENT INTO THE MINIMUM REQUIRED SETBACK. NOW TO CUT THAT SLAB BACK, WOULD REQUIRE ME TO RE-ENGINEER THE ADDITION AND ORDER NEW TRUSSES, ETC. IN THE MEANTIME, MY JOB HAS STOPPED, RESULTING IN WATER INTRUSION AND OTHER POSSIBLE DAMAGE DUE TO THE STRUCTURE BEING OPEN TO THE OUTSIDE. I HEREBY REQUEST THAT THIS VARIANCE FOR THE TWO INCH ENCRoACHMENT BE GRANTED.

\_\_\_\_\_ Attached are nineteen (19) copies of a recent survey of the property in question, showing the boundary lines, together with the boundaries of the proposed changes and/or additions, for which a variance is requested as previously described herein.

\_\_\_\_\_ Attached are nineteen (19) copies of the site plan for the proposed building or addition for which a variance is requested as previously described herein.

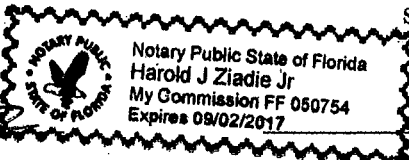
(I) (We) understand this petition becomes part of the permanent records of the Board of Adjustment.

(I) (We) hereby certify that the above statements and the statements or showing made in any papers and/or plans submitted are true to the best of my/our knowledge and belief.

[Signature]  
Signature of Owner

\_\_\_\_\_  
Signature of Co-Owner

ALEXANDER MARINER



\_\_\_\_\_  
Printed Name of Co-Owner

Printed Name of Owner

786 229 7795

Daytime Phone Number

\_\_\_\_\_  
Daytime Phone Number

DEEPSLEEPSTUDIO@gmail.com

E-Mail Address

\_\_\_\_\_  
E-Mail Address

The contents of this Petition are Sworn to and subscribed before me this 24 day of April, 2014.

The contents of this Petition are Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[Signature]  
Signature of Notary Public, State of Florida

\_\_\_\_\_  
Signature of Notary Public- State of Florida

Harold J. Ziadie Jr.  
Print, Type, or Stamp Name of Notary Public

\_\_\_\_\_  
Print, Type, or Stamp Name of Notary Public

Commission Expiration Date: 9-2-17  
Personally known to me: \_\_\_\_\_  
Produced Identification: \_\_\_\_\_

Commission Expiration Date: \_\_\_\_\_  
Personally known to me: \_\_\_\_\_  
Produced Identification: \_\_\_\_\_













## *City of Miami Springs, Florida*

### COURTESY NOTICE

The Miami Springs Board of Adjustment will meet on Monday, May 5, 2014 in the Council Chambers at City Hall, 201 Westward Drive, at 6:00 p.m., at which time the following matter will be heard. You are invited to attend the meeting in person or you may express your comments in writing and return this notice to the Planning Department at City Hall no later than Noon on the day of the meeting. *If you are the applicant, you must attend the meeting in order for your case to be heard.*

- A) Case # 06-V-14  
 Alex Martinez  
 850 Plover Avenue  
 Zoning: R-1C  
 Lot Size: 9,525 sq. ft.

Applicant is seeking an after-the-fact variance to waive 1.16" of the minimum required side yard setback of 7'6" in order to retain and complete the construction of an addition in the rear yard. (Side yard setback of 7'3.84" for a portion of the structure proposed).

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

### AVISO DE CORTESIA

El Board of Adjustment de la Ciudad de Miami Springs celebrará una sesión el Lunes 5 de mayo del 2014 en el Salón del Concejo en la Alcaldía situada en el 201 Westward Drive, a las 6:00 de la noche, y en esa sesión se discutirá el asunto siguiente. Usted está invitado a asistir a la sesión en persona, o puede expresar sus comentarios por escrito y devolver este aviso al Departamento de Urbanización de la Ciudad en la Alcaldía no más tarde del mediodía el mismo día de la sesión. Si usted es el solicitante, deberá asistir a la sesión para que puedan discutir su caso.





# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 4/23/2014

Property Information	
Folio:	05-3024-015-1230
Property Address:	850 PLOVER AVE
Owner	ALEXANDER MARTINEZ
Mailing Address	850 PLOVER AVE MIAMI SPRINGS , FL 33166-4326
Primary Zone	0400 SGL FAMILY - 901-1200 SQF
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	3 / 1 / 0
Floors	1
Living Units	1
Actual Area	1,344 Sq.Ft
Living Area	1,181 Sq.Ft
Adjusted Area	1,242 Sq.Ft
Lot Size	9,525 Sq.Ft
Year Built	1950



Assessment Information			
	2013	2012	2011
Land Value	\$76,114	\$63,302	\$84,403
Building Value	\$75,338	\$79,285	\$86,982
XF Value	\$816	\$1,034	\$1,047
Market Value	\$152,268	\$143,621	\$172,432
Assessed Value	\$146,062	\$143,621	\$172,432

Benefits Information				
Benefit	Type	2013	2012	2011
Save Our Homes Cap	Assessment Reduction	\$6,206		
Homestead	Exemption	\$25,000	\$25,000	\$25,000
Second Homestead	Exemption	\$25,000	\$25,000	\$25,000

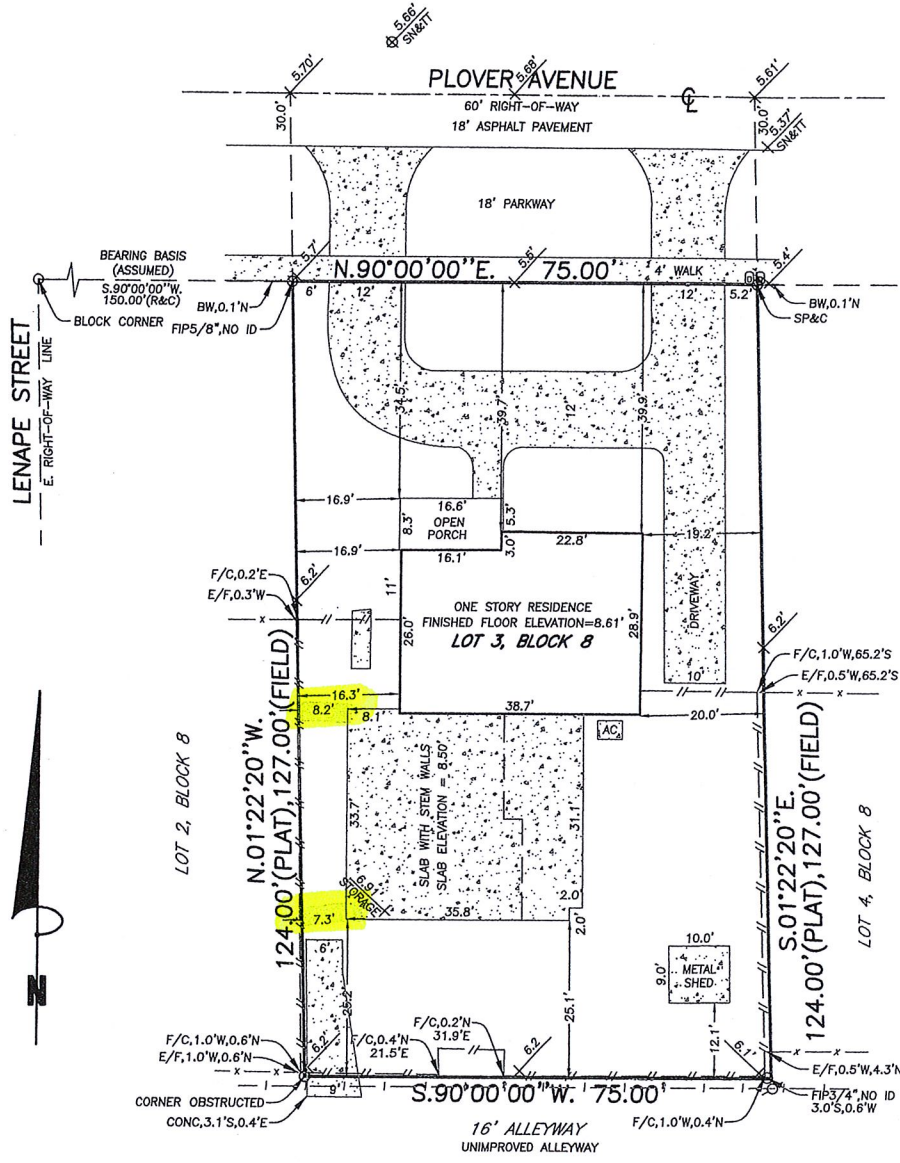
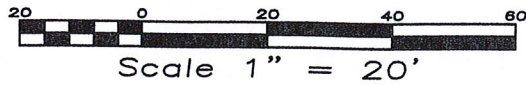
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description	
SPRING VIEW PB 51-19	
LOT 3 BLK 8	
LOT SIZE SITE VALUE	
OR 14241-1594 0889 1	
25052-3328 10 2006 1	

Taxable Value Information			
	2013	2012	2011
<b>County</b>			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$96,062	\$93,621	\$122,432
<b>School Board</b>			
Exemption Value	\$25,000	\$25,000	\$25,000
Taxable Value	\$121,062	\$118,621	\$147,432
<b>City</b>			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$96,062	\$93,621	\$122,432
<b>Regional</b>			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$96,062	\$93,621	\$122,432

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
10/01/2006	\$385,000	25052-3328	2008 and prior year sales; Qual by exam of deed
08/01/1989	\$78,200	14241-1594	2008 and prior year sales; Qual by exam of deed
06/01/1983	\$67,500	11817-2041	2008 and prior year sales; Qual by exam of deed
11/01/1977	\$40,000	09851-1988	2008 and prior year sales; Qual by exam of deed

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>



LENAPE STREET  
E. RIGHT-OF-WAY LINE



See report of boundary survey, lands described as LOT 3, BLOCK 8. The survey map and report or the copies thereof, are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties. The map and report are not full and complete without the other.

**BENCHMARK OF ORIGIN:**  
MIAMI DADE COUNTY BENCHMARK  
M-48, LOCATOR: 3003 SW  
ELEVATION = 7.28'



spot survey

PERMIT # 12-361  
850 Plover Ave

LEGAL DESCRIPTION

LOT 3, BLOCK 8, OF "SPRING VIEW", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 51, PAGE 19, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA.

CERTIFIED TO:  
ALEXANDER MARTINEZ

PROPERTY ADDRESS  
850 PLOVER AVENUE  
MIAMI SPRINGS, FL 33166

BOUNDARY SURVEY  
INVOICE # 37141  
SURVEY DATE 02/27/14

FLOOD ZONE AH-7.0'  
MAP DATE 09/11/09  
MAP NUMBER 120653 0283L

RECEIVED

MAR 07 2014

MIAMI SPRINGS  
BUILDING DEPT.

OFFICE COPY  
CITY OF MIAMI SPRINGS

CITY OF MIAMI SPRINGS, FLA.

APPROVED  
FOR PERMIT ONLY

BUILDING INSPECTOR \_\_\_\_\_  
PLUMBING INSPECTOR \_\_\_\_\_  
ELECTRICAL INSPECTOR \_\_\_\_\_  
MECHANICAL INSPECTOR \_\_\_\_\_  
ZONING \_\_\_\_\_  
STRUCTURAL \_\_\_\_\_

LEGEND

- ☐ CABLE JUNCTION BOX
- ▨ CATCH BASIN
- CLEAN OUT
- ⊠ CONTROL VALVE
- ⊞ ELECTRIC SERVICE
- ⊙ FIRE HYDRANT
- ▣ FP&L PAD
- GUY ANCHOR
- ⊙ MANHOLE
- ⊞ POOL EQUIPMENT
- ⊙ POWER/LIGHT POLE
- ⊙ SPRINKLER SYSTEM
- ⊙ WATER METER
- ⊙ WATER VALVE
- ⊙ WELL

- BRICK PAVERS
- CENTERLINE
- CONCRETE/CHAT
- CONCRETE WALL
- ELEVATION
- METAL FENCE
- OVERHEAD WIRES
- WOOD DECK/DOCK
- WOOD FENCE

ABBREVIATIONS

- BC BUILDING CORNER
- BW BACK OF WALK
- C CALCULATED
- M MEASURED
- N.T.S. NOT TO SCALE
- OP OPEN PORCH
- ORB OFFICIAL RECORDS BOOK
- PC POINT OF CURVATURE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- PG PAGE
- PRC POINT OF REVERSE CURVE
- PRM PERMANENT REFERENCE MONUMENT
- PT POINT OF TANGENCY
- E/F END OF FENCE
- EP EDGE OF PAVEMENT
- EW EDGE OF WATER
- F/C FENCE CORNER
- F/L FENCE LINE
- PIP FOUND IRON PIPE
- FIR FOUND IRON ROD
- FN FOUND NAIL
- FN&D FOUND NAIL & DISC
- FP&L FLORIDA POWER AND LIGHT RECORD
- R RADIAL
- SN&D SET NAIL & DISC # 5495
- SP SCREENED PORCH
- SP&C SET 1/2" PIN & CAP # 5495

SURVEYOR'S NOTES

1. BASIS OF BEARINGS AS INDICATED ON SKETCH.
2. LEGAL DESCRIPTION PROVIDED BY CLIENT.
3. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THIS OFFICE FOR EASEMENTS, RIGHT-OF-WAYS, OWNERSHIP OR OTHER INSTRUMENTS OF RECORD.
4. UNDERGROUND OR INTERIOR PORTIONS OF FOOTINGS, FOUNDATIONS, WALLS OR OTHER NON-VISIBLE IMPROVEMENTS WERE NOT LOCATED.
5. ELEVATIONS ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 UNLESS OTHERWISE SHOWN.
6. FENCE TIES ARE TO THE CENTER-LINE OF FENCE. WALL TIES ARE TO THE FACE OF WALL.
7. IN SOME INSTANCES GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE THE CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.
8. THE DIMENSIONS AND DIRECTIONS SHOWN HEREON ARE IN SUBSTANTIAL AGREEMENT WITH RECORD VALUES UNLESS OTHERWISE NOTED.
9. PARTY WALLS ARE CENTERED ON PROPERTY LINE AND ARE 0.7" WIDE UNLESS OTHERWISE NOTED.
10. EXISTING CORNERS FOUND OFF WITNESS PROPERTY CORNERS
11. OBSTRUCTED CORNERS ARE WITNESSED BY IMPROVEMENTS.
12. NO ATTEMPT WAS MADE TO LOCATE WRITTEN OR UNWRITTEN EASEMENTS OR RIGHTS-OF-WAY OTHER THAN THOSE SHOWN HEREON.

See map of boundary survey, lands described as LOT 3, BLOCK 8. The survey map and report or the copies thereof, are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties. The map and report are not full and complete without the other.

PAUL J. STOWELL  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 5241  
ATLANTIC COAST SURVEYING, INC.  
6129 STIRLING RD SUITE 2 DAVIE, FLORIDA 33314  
OFFICE: 954.587.2100 FAX: 954.587.5418